

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN THE MATTER OF:)	CASE NO. 05-50097
)	CHAPTER 7
TERRY D. SPIVEY)	JUDGE SHEA-STONUM
SHELLEY F. SPIVEY)	
)	<u>MOTION TO COMPEL ATTENDANCE</u>
)	<u>AT EXAMINATION UNDER</u>
<u>DEBTOR</u>)	<u>RULE 2004(d)</u>

Now comes the Trustee, Kathryn A. Belfance, by and through counsel and pursuant to Rule 2004(d) of the Federal Rules of Bankruptcy Procedure moves the Court for an Order compelling Terry and Shelley Spivey of 2970 Wingate Ave., Akron, OH 44314 to appear at the ***Ohio Edison Building, Atrium level, 76 S. Main Street, Akron, Ohio 44308*** on the **13th day of July, 2005, at 10:00 a.m.**, to be examined under oath for the purposes set forth below. In support of this Motion, the Trustee states as follows:

1. Under Bankruptcy Rule 2004, upon motion of any party in interest, the Court may order any person to appear and be examined and to produce documents on any matter relating to the acts, conduct, liabilities, and financial condition of the Debtor, as well as any other matter that may affect the administration of the Debtor's estate.
2. The Trustee needs to determine the reason the debtor has not forwarded their 2004 tax returns for review by the trustee.

WHEREFORE, the Trustee prays the Court for an Order compelling Terry and Shelley Spivey to appear for examination at the time and place stated above, bringing with them their

2004 state and federal tax returns, and for such other and further relief as the Court deems appropriate.

Respectfully submitted,

/S/ KATHRYN A. BELFANCE
KATHRYN A. BELFANCE
Registration No. 0018035
BRIAN J. MALONE
Registration No. 0068336
One Cascade Plaza, 21st Floor
Akron, Ohio 44308
(330) 535-0505 Phone
(330) 535-0411 Fax
kablawakron@yahoo.com

Attorneys for Trustee

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of June, 2004, a copy of the foregoing Motion was forwarded via regular U.S. Mail to the following: **Office of U.S. Trustee**, served electronically; **Warner Mendenhall**, Attorney for Debtor, Served electronically; and **Terry and Shelley Spivey** of 2970 Wingate Ave., Akron, OH 44314.

/S/ KATHRYN A. BELFANCE
KATHRYN A. BELFANCE
BRIAN J. MALONE
Attorneys for Trustee